

**Developmental Disabilities Council**  
**Meeting Minutes**  
**Wednesday, July 18, 2018**  
**Margaret M. O'Neill Building, Dover, DE**  
**DDDS Office Complex, Fox Run, Bear, DE**  
**6:00 p.m.**

**Members Present:** Steve Yeatman (Chairperson), Carol Barnett, Karen Gallagher, Derrick George, Laura Greene, Terri Hancharick, Michael Harris, Katie Howe, Rick Kosmalski, Nancy Lemus, HarrietAnn Litwin, Debra McCann, Karen McGloughlin, Daniese McMullin-Powell, Carrie Melchisky, Joseph Merritt, Jr., Beth Mineo, Angela Mitchell, Shawn Rohe, Laura Waterland

**Members Absent:** Teesie Bonk, Maitri Campbell, Alvin Emory, Jr., Katie Macklin, Dale Matusevich, Sue Ellen Powell

**Staff:** Kristin Harvey, Stefanie Lancaster, and Emmanuel Jenkins

**Guests:** Victoria Counihan (DAG), William C. Powell, Julia O'Hanlan, Marcia Scott, Catherine Pringle

- I. Call to Order** – Steve Yeatman called the meeting to order at 6:09 p.m.
- II. Approval of Minutes** – The minutes from the May 9<sup>th</sup> meeting were reviewed. Karen McGloughlin made a motion to approve. Shawn Rohe seconded. Daniese McMullin-Powell and Angela Mitchell abstained. Minutes were approved as submitted. The Executive Session meeting minutes from January 10, 2018 were reviewed. Numbered copies of the Executive session minutes were distributed by non-staff (Victoria Counihan and Karen McGloughlin). Joey made a motion to approve. Angela Mitchell stated she was not present at that meeting. With that minor edit, Laura Greene seconded the motion. Karen McGloughlin and Angela Mitchell abstained. Michael Harris voted no. Executive Session meeting minutes from January 10<sup>th</sup> were approved. All numbered copies were collected after the approval.
- III. Approval of Agenda** – Steve Yeatman stated that the guest speakers would like to be moved up within the agenda after the 5 Minute Public Comment Period. Steve Yeatman stated he wanted to make a quick comment relating to the agenda. Steve stated that there is an item later in the agenda regarding the Auditor's report. Based on what is in the report, Steve recommends to defer VIII 3 – State Plan Review and Approval, 4 – By Laws Draft and 5 – Travel Policy Draft to the November meeting. Kristin Harvey also commented that she has confirmed with the Administration on Intellectual and Developmental Disabilities (AIDD) that the Council now has to until January 1, 2019 to submit our State Plan updates. Typically it is due August 15<sup>th</sup>. But it has been confirmed that due to the system not being accessible right now, the new date of submittal is January 1, 2019. Beth Mineo made a motion to approve. HarrietAnn Litwin seconded. Agenda was approved as amended.

**IV. 5 Minute Public Comment Period** – No public comment at this time.

**V. Chair's Report-** Steve stated he will use his time to report later in the meeting regarding the Auditors report. Nothing to report at this time in the meeting.

**VI. Staff Report** – Kristin Harvey stated that she has received in writing from our federal granting agency that the Program Performance Report (PPR) and the State Plan revisions are not due until January 1, 2019. Any recommendations from the Council regarding adding or deleting objectives would be considered an update, not an amendment and doesn't require public comment. Per the advice of the AIDD Technical Assistance staff, this process would not require a 45-day public comment period.

**VII. Financial Report**

**Financial Advisory Committee Report** – Stefanie Lancaster reviewed the financial document that was provided to all members. Due to this time each year and ensuring funds in the second year of the grant have been obligated, Stefanie had to recode some documents that previously used 2018 funds in order to utilize some remaining 2017 funds that need to be obligated. There is still \$7,000 of 2017 funds and \$167,000 of 2018 funds that needs to be obligated. As we continue to say “think bigger”, please do so at the committee level.

Karen McGloughlin had a few questions:

- 1) Under the 2016 grant funded projects, Partners in Policymaking states that the amount was \$34,000 and that it was closed and underspent but it does not list the amount that was underspent. Stefanie stated she would look back and report to Council on that amount underspent.
- 2) Public Policy Manager using 2016 funds says the contract was rescinded. Were those funds re-obligated? The balance was used to allocate more funds to travel per what the Council requested.
- 3) Public Policy Manager under 2017 \$8,000. Has this been re-allocated?

Stefanie stated that although there have been items that may have been underspent, the total remaining left to be obligated/reallocated is listed in the balance of each fiscal year.

Karen also stated that the Sex Ed contract with Nemours still shows most of the project funds remaining. When does this contract need to be spent and do they anticipate spending all the funds? Kristin stated that this contract has until August 30, 2018 to spend the funds. There was a no-cost extension approved recently to extend their end date to the August 30<sup>th</sup> deadline. We do not anticipate any issues having this contract spent in full.

**VIII. Current Business**

**1. Response to AIDD policy change regarding timing for liquidation of funds** –

Kristin stated our federal granting agency has shared recent clarification and direction on how our grant funds should be obligated and spent. This was discussed at the Technical

Assistance (TA) Institute meeting that Stefanie attended while in Washington DC. Our three year window to develop contract ideas, process the request for proposals, do the work and pay all the bills used to be three years. Now it will be two years. This impacts the State Plan. If the Council chooses to delete any objectives in our State plan, now is the time to make those changes. This change will be effective with the 2019 Grant funds that begins on October 1, 2018.

The way the Council has historically done business is to RFP for projects at our leisure as new project ideas are developed. This will not allow us to get through projects in an adequate amount of time. Some suggestions from other states on the way they conduct business are as follows. It was asked for staff to see which states have which of these types of processes that they follow. Kristin said she would reach out to them to get this information.

- 1) Do an RFP to spend all project funds in one large project each year.
- 2) Send out RFP's once a year shortly after the start of the next fiscal year on ideas that the Council comes up with for projects that will address goals and objectives within the State Plan that need to still be addressed.
- 3) RFP once a year – asking for a Call for Proposals with general population coming up with ideas for contracts utilizing the goals and objectives in the State Plan. HarrietAnn asked what happens if you get six proposals for one objective and none for another objective. She asked how you would then fulfill those objectives within the plan. Kristin said this is when the Council could review and recommend deleting some objectives in the plan.

There are currently 4 objectives that the committees are struggling to address at this time.

Beth Mineo suggested doing a Request for Information from the public where we could share our State Plan and see what responses we get on addressing various goals. This information could then be used to create an RFP. It would help the Council know what kind of talent is out on the street to respond to the RFP.

Steve stated that the Council needs a motion for staff to put out an RFI based on the four areas of emphasis identified in the state plan including language in the goals assigned to each. Each Council member can email staff suggestions and ideas but this can not be done as a group or amongst Council members because that would constitute a meeting which would need to be made public. The goal is to get this RFI out quickly. Without further discussion, Laura Greene made a motion to approve this request, Katie Howe seconded the motion. This was approved.

**2. Legislative Update** – Stefanie stated that a copy of the Legislative Tracking document was provided to all members in their packets. Members were asked to review this document when they had a moment. There were several bills that the Council tracked throughout this legislative session. If you have any questions or comments, please let Stefanie know.

**3. State Plan Review and Approval** – This item was tabled at this meeting.

**4. By Laws Draft** – This item was tabled at this meeting.

**5. Travel Policy Draft** – This item was tabled at this meeting.

**6. Quorum Activity Update** – Kristin stated that the Council had submitted a request for telephone participating to meetings being included in epilogue language. This was denied by DSHS. Skyping into a meeting can only be done from a publicly noticed location – not just at someone's office.

**7. LIFE Conference** – Kristin stated that the Council staff worked with Government Support Services to develop the RFP for this. The Council staff learned a lot through this process. The vendor recommendation by the user group and GSS for the review of any proposals received has been forwarded to GSS. The LIFE Conference Planning Committee is awaiting further information from GSS. LIFE conference will be January 31, 2019 at Dover Downs. If members are interested in attending, please let Stefanie know so that you can get registered as soon as the general registration opens.

**8. Annual NACDD Conference/TA Institute** – No other updates to report at this time.

**9. Social Media Update** – No update to report at this time.

## **IX. Committee Reports**

**1. Adult Issues** – Terri reported that the Delaware Statewide Programs Associations has submitted an unsolicited proposal to provide \$15,000 support to fund the Outside the Box Conference. This addresses the Self Advocacy Goal #4 in the State Plan. The Outside the Box Conference is a 2 ½ day conference that gives families and school professionals providing services to children with deaf-blindness, deafness, hard of hearing, blindness, low vision and/or autism an opportunity to learn together on issues of importance and best practices in their fields. DDC funding would be used for supplies, conference site and to assist with contracting for the speakers for the conference Victoria Counihan recommended that anyone with a financial interest in this conference should recuse. Any member that wants to attend the conference does not have to recuse as this vote only pertains to assisting to fund the conference. The following members recused: Nancy Lemus, Beth Mineo and HarrietAnn Litwin. Debra McCann abstained. Katie Howe made a motion to approve the request. Laura Waterland seconded the motion. This proposal was approved by Council.

**2. Children and Families** – Laura Greene stated Sage Marketing and Communication proposal was received in response to the RFP regarding collecting data and input to create, market and distribute materials for a public awareness campaign focusing on the benefits of providing free or low-cost access to activities that support healthy lifestyles for children and youth with developmental disabilities. This proposal ties directly to one of the objectives within the State Plan. This was reviewed by Children and Families – coming with a motion from the committee. This addresses a goal in the State Plan. The motion comes from the committee to approve. Opposed to this are Beth Mineo, Katie

Howe and Laura Waterland. Motion passed. This proposal was approved to fund \$25,000 to this contract.

There is an unsolicited proposal that was received from Independent Resources. This was brought before the Executive committee for approval. There were some questions that were asked and answered by the vendor. However, at this time, the Council would like to table this discussion until the full council has a chance to review this document. Motion to table this proposal was received by Laura Waterland and seconded by HarrietAnn Litwin. Laura Greene opposed. This proposal was tabled to a future meeting.

### **3. Policy and Law**

**a. Self-Advocacy** – Rick Kosmalski tabled this item until a future meeting. No updates at this time.

- 4. Membership** – Karen Gallagher reported the Carol Barnett will be retiring from her organization at the end of July. Carol would like to reapply to the Governor's Office to be reappointed as a family member, not as the representative for her organization she currently is appointed to represent. Carol will reach out to the Governor's office to take care of this. Karen also mentioned that the second membership event will be held at the Seaford Fire Hall on July 28<sup>th</sup>. Members are welcome to attend if they are able.

If any member would like their name on the ballot for the September meeting, please email Stefanie Lancaster if you intend to have your name on the ballot or nominate an individual. Please send those names to Stefanie prior to the next Membership meeting on August 2<sup>nd</sup> from 2-3pm.

Karen also stated that members are required to attend as many committee and council meetings as possible.

- 5. Consumer Caucus** – Joey reported that the next Consumer Caucus meeting is scheduled for Thursday, August 2<sup>nd</sup> at 11 a.m. at the Glass Kitchen restaurant.
- 6. Partners Oversight** – Kristin stated the next Partners in Policymaking session will be held this Friday, July 20<sup>th</sup> and 21<sup>st</sup>. If any Council member would like to attend, please give staff 72 hours notice to ensure the proper amount of food is reserved. Russell Leahman will be coming in September as a guest speaker.
- 7. Personnel – Draft Staff Review Document** – Karen McGloughlin stated that the Personnel Committee has been drafting Standard Operating Procedures for the Committee as well as Council member survey that will enable members of the Council to share their thoughts on the performance of the Executive Director. The committee has spent a considerable amount of time reviewing how other Council's address completing the Executive Director's performance evaluation and plan.

Victoria offered some revised wording relating to her need to be a part of the process with the committee but not be a voting member.

It was recommended that all members review the documents and provide any comments to Stefanie Lancaster via email for review at the next Personnel Committee meeting. Terri Hancharick made one comment relating to removing “staff” from the survey. The Council shouldn’t be answering questions on the Staff’s behalf.

## **X. New Business**

- 1. Auditor of Accounts Report** – Steve stated that everyone should have seen the report prior to the meeting this evening. This report shows the finding that the Auditor found. Anything pertaining to Personnel matters will be discussed during an Executive Session.

There were 10 items that were audited. All but one was substantiated or partially substantiated. They were in various areas relating to contracting and fiscal matters. This was an outside entity. This was completed at the request of the Department of Safety and Homeland Security.

Terri Hancharick stated that not all members know their rights and responsibilities within the DD Act. While in Washington, it was discussed with members of our federal granting agency, to come to present to the Council each members rights and responsibilities as a member of the Council. Victoria will invite the feds to come to do training at a future date. Terri Hancharick stated that she has heard that in Oregon, the Council there assisted five organizations to complete their 501c3 Non Profit status.

Some of the findings in the report have lack of specificity and lack of facts. Laura questioned the facts that some of the allegations relate to contracts being Unallowable and not linked within the 5 Year State Plan. Laura stated that it is up to the U.S. Secretary of Health and Social Services if it is allowable or not.

Daniese McMullin-Powell asked a question regarding the administrative investigation. It was stated that once the investigation is completed, that information will be reported to Council at that time. If changes are needed on procedures or such, that will be made at a later date. Victoria stated that if there is any Personnel matters, they must be discussed in Executive Session. It is a State of Delaware Merit Rule violation if discussed otherwise.

There was a motion for the Council to send a letter to the Auditors office request information from the auditor’s office. Laura Waterland made the motion for the DAG to request copies of the documents related to the

allegations and their findings. Daniese McMullin-Powell seconded the motion. This motion passed.

2. **Executive Session pursuant to 29 Del. C. 10004 (b)(6) and 10002 (1)** – Laura Greene made a motion to go into Executive Session. HarrietAnn seconded the motion. It was approved to go into Executive Session at 8:26 p.m. Staff and all guests were asked to leave the room and close the doors at each meeting location at this time.
3. **Cultural & Linguistic Competence** – A copy of a recent webinar from our Federal Granting Agency – NACDD and AIDD – was provided to all members regarding Cultural and Linguistic Competence and how to understand what these mean and how to incorporate them into the goals and objectives within our 5 Year State Plan.
4. **Delaware Transit Corporation Report – Julia O’Hanlon** – Julia O’Hanlon discussed the work that University of Delaware has been doing with DART ParaTransit and DelDOT regarding Evaluating the State of Mobility Management and Specialized Transportation Coordination in Delaware. Phase I of this work in 2016-2017 assessed current initiatives and mobility management practices in Delaware to evaluate national and Delaware-specific mobility needs. This includes people with disabilities, veterans, homeless, as well as the general population in Delaware. Current issues include sustainability, location and accessibility to various locations demographically, and changes in federal policy relating to specialized transportation needs that affect how business is conducted. A literature review was completed as well as a public forum. Other states best practices were reviewed to see what they might be doing that the State of Delaware could adopt. As a result from this, the University of Delaware is helping DART update their current plan, “The Coordinated Plan”. Part of the recommendations to Delaware Transit Corporation (DTC) includes: providing a framework to distribute formula funding under the FTA’s Elderly and Persons with Disabilities Program; Create an action framework to solve transportation barriers; Inform efforts to coordinate services and/or share resources; promote customer-centered mobility strategies and support innovative projects/programs. A survey is currently taking place – Mobility in Motion. To access this online survey and have your voice heard, please visit [goo.gl/d6kz2B](http://goo.gl/d6kz2B). Visit [www.MobilityDE.org](http://www.MobilityDE.org) for more information. A copy of the presentation was provided to all members.
5. **Travel Report – SABE Conference - Michael Harris** – A copy of Michael Harris’s travel report from his recent trip to the Self Advocates Being Empowered (SABE) conference was provided to all members present to review at their leisure. The Council unanimously voted to accept the written version of the travel report.
6. **Request From Angela Mitchell** – This item was deferred to the Executive Committee to discuss due to Angela not being present at this point of the meeting. The Executive Committee requests that the request

come to them with the cost included on how much the travel request would be for.

7. **Travel Request from Nancy** – Nancy informed the Council that she has been asked to speak at a conference in Equador. After some discussion regarding being able to fund International travel, Nancy requested to withdraw her request.
8. **Alvin Emory Request for Leave of Absence** – Per the request of Alvin Emory to Council Staff, this item was no longer needed and was requested to be removed.
9. **Future Speakers** – Dr. Charmaine Wright is from Christiana Health System at the Center for Special Healthcare Needs is scheduled to speak at the September Council meeting regarding the work she specializes in with Down Syndrome and Cerebral Palsy. In November, Pat was requesting for Dorrell Greene with the Department of Education Office of Innovation and Improvement to come and speak to the Council.

**XI. Other Council Business** – At 9:37 p.m. the Council resumed public session. There was a motion made to request from the Department of Safety and Homeland Security (DSHS) to appoint Terry Pepper in the Acting Director's roll. If this was not agreed upon with DSHS, then the Council recommended that Stefanie Lancaster fulfill this position until the Executive Director returns. The Council also recommended if Stefanie were to assume these duties that the Council would compensate her utilizing DDC funds to make up the differences in salary temporarily. Laura Greene made the motion to approve. Carrie Melchisky seconded the motion. The motion passed.

**XII. Adjournment** – The meeting adjourned at 9:52 p.m.

"Executive session may be held to discuss legal advice, pursuant to 29 Delaware Code section 10004."

This agenda is subject to change to include the addition or deletion of items which may arise at the time of the meeting.

Agenda items listed may be considered out of sequence.